

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Nicholas Tinari Jr. on March 20, 2009.

The application has been amended as follows:

#### **In the Claims**

Claim 11 has been canceled.

Claims 1-2 and 12-13 are amended.

Replace claim 1 with:

1. A system for conducting cashless business transactions,  
comprising:

a plurality of fuel dispensers, each dispenser having at least one antenna and at least one vehicle presence detector,

said at least one vehicle presence detector determining presence of a stationary vehicle by:

- (i) setting a stationary vehicle timer,
- (ii) detecting the vehicle while said timer is running,
- (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and

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(iv) if the threshold has been exceeded, determining that the vehicle is stationary;

a controller having a tag reader for reading information from a tag connected to the vehicle when the vehicle is detected by said at least one vehicle presence detector, the controller receiving information by:

(i) attempting to read the tag of the stationary vehicle,

(ii) setting a tag read timer,

(iii) determining whether a wait time for the tag reader has been exceeded,

(iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag,

(v) determining whether the number of readings of the tag has exceeded a predetermined threshold,

(vi) if the threshold has been exceeded, determining whether the tag is a valid tag,

(vii) extracting data from the tag; and

a point of sale computer receiving tag information from the controller and processing the tag information to conduct a cashless business transaction.

Replace claim 2 with:

2. A system for conducting cashless business transactions, comprising:

a plurality of dispensers, each dispenser being associated with at least one antenna and at least one vehicle presence detector, said at least one vehicle presence

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detector performing detection of a stationary vehicle, wherein the stationary vehicle is detected by: (i) setting a stationary vehicle timer, (ii) detecting the vehicle while said timer is running, (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and (iv) if the threshold has been exceeded, determining that the vehicle is stationary;

a controller receiving a detection notification from a first vehicle presence detector, the first vehicle presence detector being associated with a first dispenser, the controller activating a first antenna in response to the notification;

a tag interrogator connected to the at least one antenna and transmitting an interrogation signal to a tag through the first antenna and receiving information from said tag after the first antenna is activated, wherein said tag interrogator receives information by: (i) attempting to read a tag of the stationary vehicle, (ii) setting a tag read timer, (iii) determining whether a wait time for the tag reader has been exceeded, (iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag, (v) determining whether the number of readings of the tag has exceeded a predetermined threshold, (vi) if the threshold has been exceeded, determining whether the tag is a valid tag, and (vii) extracting data from the tag; and

a point of sale device receiving the information from the tag interrogator and activating the first dispenser.

#### Claim 12

In claim 12, page 5, line 1:

Line 1 has been changed to read as follows:

--The system of claim 2, wherein the data is written to the--

Claim 13

In claim 13, page 5, line 1:

Line 1 has been changed to read as follows:

--The system of claim 2, wherein the data is written to the--

***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 1-4 contain improper hand written text, which may affect clarity when reproduced. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

**Reasons for Allowance**

The following is an examiner's statement of reasons for allowance:

Claim 1

The prior art of record neither anticipates nor fairly and reasonably teach a system for conducting cashless business transactions, comprising, *inter alia*: a plurality of fuel dispensers, each dispenser having at least one antenna and at least one vehicle presence detector, said at least one vehicle presence detector determining presence of a stationary vehicle by: (i) setting a stationary vehicle timer, (ii) detecting the vehicle

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while said timer is running, (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and (iv) if the threshold has been exceeded, determining that the vehicle is stationary; a controller having a tag reader for reading information from a tag connected to the vehicle when the vehicle is detected by said at least one vehicle presence detector, the controller receiving information by: (i) attempting to read the tag of the stationary vehicle, (ii) setting a tag read timer, (iii) determining whether a wait time for the tag reader has been exceeded, (iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag, (v) determining whether the number of readings of the tag has exceeded a predetermined threshold; (vi) if the threshold has been exceeded, determining whether the tag is a valid tag, and (vii) extracting data from the tag. (see claim 1).

The most closely applicable prior art of record is referred to in the Office Action mailed on August 20, 2008 as U.S. Patent No. 6,446,049 to Janning et al. Janning et al. discloses similar functionality to that of the instant invention, however, Janning is silent a plurality of fuel dispensers, each dispenser having at least one antenna and at least one vehicle presence detector, said at least one vehicle presence detector determining presence of a stationary vehicle by: (i) setting a stationary vehicle timer, (ii) detecting the vehicle while said timer is running, (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and (iv) if the threshold has been exceeded, determining that the vehicle is stationary; a controller having a tag reader for reading information from a tag connected to the vehicle when the vehicle is detected by said at least one vehicle presence detector, the controller receiving

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information by: (i) attempting to read the tag of the stationary vehicle, (ii) setting a tag read timer, (iii) determining whether a wait time for the tag reader has been exceeded, (iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag, (v) determining whether the number of readings of the tag has exceeded a predetermined threshold; (vi) if the threshold has been exceeded, determining whether the tag is a valid tag, and (vii) extracting data from the tag.

Janning discloses a cashless business transaction system (abstract) which includes a card reading device; a receiver for receiving a radio signal from a transmitter associated; and a transmitter (col. 4, lines 1-5). The system includes a fuel pumping station (col. 6, lines 22-23). The transceiver is hard-wired to the transaction controller to receive signaling instruction from the transaction controller (col. 6, lines 33-35). Janning further discloses dispenser transceiver which is instructed or pooled once every N times 170 milliseconds to determine the presence of a receptacle transceiver, where N is the number of dispensers that happen to be supported by the card reader interface (col. 8, lines 12-19).

Ghorayeb et al. (U.S. Patent Application Publication No. 2002/0111768) neither anticipates or fairly and reasonable teaches a plurality of fuel dispensers, each dispenser having at least one antenna and at least one vehicle presence detector, said at least one vehicle presence detector determining presence of a stationary vehicle by: (i) setting a stationary vehicle timer, (ii) detecting the vehicle while said timer is running, (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and (iv) if the threshold has been exceeded, determining that the

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vehicle is stationary; a controller having a tag reader for reading information from a tag connected to the vehicle when the vehicle is detected by said at least one vehicle presence detector, the controller receiving information by: (i) attempting to read the tag of the stationary vehicle, (ii) setting a tag read timer, (iii) determining whether a wait time for the tag reader has been exceeded, (iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag, (v) determining whether the number of readings of the tag has exceeded a predetermined threshold; (vi) if the threshold has been exceeded, determining whether the tag is a valid tag, and (vii) extracting data from the tag. Ghorayeb teaches an electronic timing meter device that can receive an infrared communication signal from a remote control device operated by the vehicle owner (paragraph 8). Ghorayeb further teaches a motion or proximity detector, detects the vehicle that arrives at the parking location next to the timing meter (paragraph 41). The operator of the vehicle activates the timing meter device with his or her remote device by sending the IR signal (paragraph 41).

Claim 2 similarly recites a system for conducting cashless business transactions, comprising, *inter alia*: a plurality of dispensers, each dispenser being associated with at least one antenna and at least one vehicle presence detector, said at least one vehicle presence detector performing detection of a stationary vehicle, wherein the stationary vehicle is detected by: (i) setting a stationary vehicle timer, (ii) detecting the vehicle while said timer is running, (iii) determining whether the timer has exceeded a predetermined threshold while the vehicle is detected, and (iv) if the threshold has been exceeded, determining that the vehicle is stationary; and a tag interrogator connected to

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the at least one antenna and transmitting an interrogation signal to a tag through the first antenna and receiving information from said tag after the first antenna is activated, wherein said tag interrogator receives information by: (i) attempting to read a tag of the stationary vehicle, (ii) setting a tag read timer, (iii) determining whether a wait time for the tag reader has been exceeded, (iv) if the wait time for the tag reader has not been exceeded, determining the tag reader was able to read the tag, (v) determining whether the number of readings of the tag has exceeded a predetermined threshold, (vi) if the threshold has been exceeded, determining whether the tag is a valid tag, and (vii) extracting data from the tag. This system is allowable over the prior art of record for reasons consistent with those identified above with respect to claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./

Examiner, Art Unit 3627

March 24, 2009

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627